

U.S. Department of Justice
Executive Office for United States Attorneys

The Attorney General's Advisory Committee of United States Attorneys Annual Report 1991

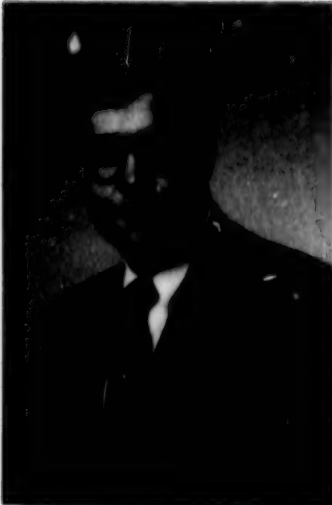


The Attorney General's Advisory Committee of United States Attorneys Annual Report 1991

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Executive Office for United States Attorneys

**ATTORNEY GENERAL'S ADVISORY COMMITTEE
OF UNITED STATES ATTORNEYS**

1991



Attorney General William P. Barr



*Attorney General Dick Thornburgh
(August 12, 1988-August 15, 1991)*

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U.S. Department of Justice

Executive Office for United States Attorneys

Attorney General's Advisory Committee
of United States Attorneys

Room 1619
10th & Constitution Avenue, N.W.
Washington, D.C. 20530

December 10, 1991

**TO THE HONORABLE WILLIAM P. BARR
ATTORNEY GENERAL OF THE UNITED STATES**

I am pleased to submit to you the first Annual Report of the Attorney General's Advisory Committee of United States Attorneys.

The creation of the Attorney General's Advisory Committee in 1973 was viewed as a most historic and significant action. For the first time in the history of the Department of Justice, United States Attorneys were asked to assume a significant role in determining policies, programs, and organization of the Department. The Committee was viewed as a useful instrument of the Department which provided a systematic way for the Attorney General to receive input from the United States Attorneys in developing Department policy. And, at the same time, it provided a means where the litigating divisions could discuss proposed policy and procedural changes with the United States Attorneys to insure that such changes would be welcome rather than opposed in the field.

Today the Advisory Committee enjoys the solid support of the United States Attorneys and is recognized by them as an effective spokesman on their behalf. Recommendations of the Advisory Committee have been well received by the leadership of the Department, and the Committee believes a substantial contribution has been made to the overall activities of the Department of Justice.

We take great pride in the accomplishments of the Committee, and we stand ready to work with you and to provide whatever kind of advice and assistance that you feel appropriate. This committee has always taken the position that we are appointed by the Attorney General and are responsible directly to him. We look forward to working with you in the coming year.

Respectfully submitted,


Joseph M. Whittle
Chairman

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Acknowledgements

The Chairman of the Attorney General's Advisory Committee wishes to express his appreciation to the Committee's Vice Chairmen, the Honorable Deborah J. Daniels and the Honorable Wayne A. Budd, and to Special Assistant Judith A. Beeman and her staff for their contributions in preparing the first Annual Report of the Attorney General's Advisory Committee of United States Attorneys.

In addition, the Chairman would like to thank Laurence S. McWhorter, Director of the Executive Office for United States Attorneys, and his staff for their invaluable assistance and support during this past year.

INTRODUCTION

This is the first Annual Report of the Attorney General's Advisory Committee of United States Attorneys. It presents a brief summary of those issues the Advisory Committee has addressed in 1991 in furtherance of the law enforcement goals as set by the Attorney General.

The Report is divided into five sections: an introduction, Department of Justice and other agencies, subcommittees, working groups, and members of the Advisory Committee 1973-1991. The introduction includes a brief history--so as to provide a better understanding of the role of the Committee.

History

Elliot Richardson publicly announced the creation of the first Advisory Committee on September 20, 1973, with the appointment of fifteen United States Attorneys. Members represented various size offices and were from different geographic regions of the nation. The appointments were for three years with terms staggered by the Deputy Attorney General to insure the annual rotation of at least one-third of the Committee's membership. At the first meeting on September 21, 1973, General Richardson set forth the Committee's goals:

- o To give the United States Attorneys a voice in Department policies.
- o To conduct studies and make recommendations with regard to improving the management of the Department of Justice specifically with respect to the relationship between the Department and the United States Attorneys.
- o To improve liaison with the State Attorneys General with the end of attaining a better understanding of the proper sharing of law enforcement responsibilities by state and federal law enforcement agencies.
- o To promote greater consistency in the application of legal standards across the country and across all levels of Government.
- o To aid the Attorney General in formulating new programs for improvement of the criminal justice system at all levels, including the penal system.

The Committee operates entirely at the direction and pleasure of the Attorney General and is directly responsible to him. At the same time, the committee insures that the Director of the Executive Office for United States Attorneys is fully advised of its activities.

Attorney General Richardson set forth that the Committee will select from its membership a Chairman, Vice Chairman and secretary, and establish such subcommittees as it deems necessary to carry out the Advisory Committee objectives. Further, subcommittees may include United States Attorneys who are not members of the Committee. Subcommittees will have no authority to take action in the name of the full committee without prior approval. All recommendations for action will be directed personally to the Attorney General so that he, and he alone, may make the judgments as to which, if any, recommendations should be adopted and how they should be implemented.

The Advisory Committee was institutionalized by Executive Order 640-76, dated February 20, 1976.¹

Relations with the Litigating Divisions

The formation of the Advisory Committee represented the first known organized effort for the Attorney General to obtain recommendations from the United States Attorneys regarding the administration of the Department of Justice. Particular emphasis was placed on the relationships between the litigating divisions and the United States Attorneys. The history of the Department had been one of formulation of policy from Washington, and the Advisory Committee expected that a new management concept might face resistance. To some limited extent, this indeed proved to be the case; however, the Committee also found that the highest levels of Department management were receptive to these ideas.²

For years, Department management had faced recurring problems between the litigating divisions and the United States Attorneys in obtaining meaningful input before adopting or amending policies that would affect the Department as a whole. The availability of an Advisory Committee of United States Attorneys to meet with the litigating divisions on a regular basis addressed this need.

Advisory Role

When the Advisory Committee was first formed, it focused on its advisory role vis-a-vis the Attorney General and purposely avoided becoming involved with components of the Department in working out administrative details concerning recommendations of the Committee. However, the Committee soon realized that this approach unduly limited its helpfulness on specific issues. The first Report of the Attorney General's Advisory Committee (March 25, 1974), cites two instances where a Division first sought Advisory Committee assistance in order to implement the recommendations of the Committee. Both requests were from the Civil Division.

¹ First Report and Recommendations of the Attorney General's Advisory Committee of United States Attorneys, March 25, 1974.

² Second Report and Recommendations of the Attorney General's Advisory Committee of United States Attorneys, February 6, 1975.

By mid-1974, The Advisory Committee had made numerous recommendations with respect to revising the United States Attorneys' Manual, and even at that earlier date realized there had to be a systematic approach to this process. At the invitation of Assistant Attorney General Carla Hills of the Civil Division, the Committee agreed to provide a subcommittee to meet with division personnel to work on a proposed revision of the Civil Division's portion of the Manual. This cooperative effort proved quite successful and in fact later served as a model for similar efforts with other divisions.³

The second example concerned recommendations from the Advisory Committee regarding the allocation of case responsibility and the supervision of these cases. The recommendations were met with recurring questions from the Attorney General and the Deputy concerning alternative methods of management control over the Department's caseload. At the invitation of Carla Hills, the Committee provided members to work in cooperation with Ms. Hills and her staff on new methods for allocating case responsibility between the Civil Division and the United States Attorneys. Once again the Committee was pleased with the results and used this experience as a model for working out similar proposals with other litigating divisions. This was underscored by Dean Smith, Chairman of the first Advisory Committee who wrote in 1975: "The Committee has revised its assessment of its role as solely advisor and is consciously determined that it will willingly work on an ad hoc basis, where necessary, to help implement (its own) recommendations and proposals."⁴

Since 1973, the Advisory Committee has continuously strived to develop a close working relationship with the components of the Department of Justice and other law enforcement agencies. During Attorney General Dick Thornburgh's tenure we witnessed a strengthening of this team spirit.

Case Responsibility

The delegation of authority over case responsibility was an issue addressed early on by the first Advisory Committee. The Committee suggested to then-Attorney General William Saxbe that the realities of litigation be recognized in formulating the policies and organization of the Department, and that greater responsibility be lodged with the United States Attorneys in the handling of litigation. Furthermore, the Committee recommended that the Department organize itself with a view to limiting the delays and confusion in those cases where Washington control was essential; and, that more control over cases in general be shifted from headquarters to the field. The Committee knew that this concept would be highly controversial and would run into opposition from the litigating divisions.

The Committee's position for enhanced United States Attorney control over litigation was based on the following factors. First, a constantly rising caseload made it almost impossible for the litigating divisions to have effective and meaningful input into the disposition of cases referred

³ Second Report and Recommendations of the Attorney General's Advisory Committee of United States Attorneys, February 6, 1975, p. 4.

⁴ Ibid, pg. 5

to the United States Attorneys' offices. This resulted in intolerable delays and inefficiency in the handling the cases, without providing the anticipated advantage: consistency in policy. And, second, the Department's tendency to control cases had impacted even well-established areas of United States Attorney responsibility, e.g., the initiation, trial, and appeals of criminal cases, subject only to limited restrictions and policy directives.

The United States Attorneys fully appreciated that this proposed enhanced field responsibility for litigation imposed heavy workloads on their staffs. To insure that this responsibility was discharged properly, the Committee recommended that even greater care be taken in the selection and training of United States Attorneys and their assistants, and in disciplining those who do failed to perform in a professional and proficient manner. In this connection, the first Committee recommended specific ways in which the work of the United States Attorneys' offices could be better evaluated, thereby providing the Attorney General with the means for assuring himself that the responsibilities delegated to the United States Attorneys were being properly carried out.⁵

Given the natural dynamics between the United States Attorneys' offices and the litigating divisions, there has been and always will be some degree of controversy over issues such as delegations of authority and case responsibility. This should not be viewed as destructive, but rather as useful, constructive tension between Washington and the field.

Subcommittees and Working Groups

Throughout the years, the Advisory Committee has created many subcommittees and working groups to address ongoing concerns and key issues of the day. Today, we have 15 Subcommittees and 13 Working Groups -- quite an increase from 1973, when Elliot Richardson created the first five. Interestingly, four of the five original subcommittees, although modified, still exist.

For example, one of the key subcommittees in 1973 was the Subcommittee on Allocation of Case Responsibility and Resources--which dealt with the above issue of the referral of cases from the Department to the United States Attorneys and their subsequent control. It re-examined restrictions on the authority of the United States Attorneys and put forth concrete proposal for making the system more realistic and efficient. Also, this subcommittee recommended changes in procedures and allocations of manpower and other resources among Department divisions and the United States Attorneys' offices.

Perhaps most importantly, this subcommittee dealt with the creation of an automated data communications system for the Department of Justice. As we all know, one of the top priorities of the Department today is the creation of a unified, comprehensive case management system which meets the needs of the United States Attorneys and of the Department. Our lack of ability to produce accurate statistical data quickly surfaced when Congress asked the Department to provide statistical information on savings and loan cases in mid-1990. Although the United States Attorneys and the Department eventually produced the required data, it was a major task. To avoid this problem in the future, a Department-wide initiative, enthusiastically supported by the Advisory Committee, is now underway to develop the above comprehensive case management system.

⁵ First Report and Recommendations of the Attorney General's Advisory Committee of United States Attorneys, March 25, 1974, pg. 9-10.

Another of the original subcommittees still in existence is the Subcommittee on Investigative Agencies. Originally, this subcommittee examined, inter alia, the operations of key investigative agencies, their relationship with the United States Attorneys, the usefulness of investigative reports, expertise and training of investigators, and the sharing of information between these agencies and the United States Attorneys. Today, our Investigative Subcommittee works very closely with the Federal Bureau of Investigation and Treasury Department on issues of mutual concern.

The Subcommittee on Legislation and Court Rules remains much the same. Established to examine ways in which the United States Attorneys could participate more fully and meaningfully in the programs of the Department of Justice relating to new legislation and court rules and to make recommendations regarding particular legislation and rules, the current Legislative Subcommittee works very closely with the Office of Legislative Affairs and Office of Policy Development to insure that proposed legislation meets the needs of the United States Attorneys. Further, several other subcommittees assigned to work on particular legislative issues will be discussed in the subcommittee section of this report.

The former Subcommittee on Professional Proficiency and Communication was responsible for making recommendations on training programs for the United States Attorneys and their Assistants and for examining methods of improving communications between United States Attorneys' offices and the legal divisions of the Department. Although this Subcommittee no longer exists, the Advisory Committee as a whole and many of the its present subcommittees work very closely with the Attorney General's Advocacy Institute in developing new training programs--and with the Executive Office in enhancing communications between the Department and the United States Attorneys.

Also, we no longer have a Subcommittee on Department of Justice Field Offices, Their Operations, Organization and Relationships to the United States Attorneys. This former subcommittee looked into and made recommendations on relationships and overlapping responsibilities between United States Attorney offices and Department of Justice field offices (e.g., FBI and DEA offices) with a view to improving coordination. This is an area that the Advisory Committee as a whole is now watching closely.

Executive Office for United States Attorneys

As related in the above History, the Executive Office for United States Attorneys (EOUSA) plays an important supportive and coordinating role vis-a-vis the Attorney General's Advisory Committee. For example, the Committee (and especially the Management and Budget Subcommittee) works very closely with the EOUSA Director in insuring that resource requirements of the United States Attorneys are addressed. The Chairman of the Management and Budget Subcommittee assists the Director in this area by testifying before various Congressional Committees. Other examples of this mutually supportive relationship include the following:

-- The Executive Office's Financial Litigation Unit complements and assists the Financial Litigation Subcommittee in many of its projects.

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- The Executive Office's Information Management Staff works closely with many of the subcommittees on case tracking concerns.
 - The LECC/Victim Witness staff works closely with the LEC/VW Subcommittee.
 - The Attorney General's Advocacy Institute often assists the Advisory Committee in developing new training programs in new areas of litigation, such as environmental crime.

Conclusion

The Advisory Committee of United States Attorneys has worked very closely with the Department this year, enjoying productive working relationships with the Assistant Attorneys General and other key Department officials and staff. We look forward to continuing and deepening these relationships over the coming year, as we strive to achieve those goals set for us by the Attorney General.



The Attorney General's Advisory Committee meeting with Attorney General Dick Thornburgh in Command Center at Department of Justice. (left to right) General Thornburgh; J. William Roberts, Chairman-elect (United States Attorney, Central District of Illinois); William P. Barr (then Deputy Attorney General); Deborah J. Daniels, Vice Chairman, (United States Attorney, Southern District of Indiana); Timothy D. Leonard, (United States Attorney, Western District of Oklahoma); George L. Phillips, (United States Attorney, Southern District of Mississippi); Otto Obermaier, (United States Attorney, Southern District of New York); and Jay B. Stephens (District of Columbia)

DEPARTMENT OF JUSTICE AND OTHER AGENCIES

THE ATTORNEY GENERAL

The Attorney General's Advisory Committee held five full committee meetings with the Attorney General in 1991 (note: the Advisory Committee Chairman also has frequent informal meetings with the Attorney General). Given its mission, these meetings are obviously very significant to the Committee, presenting opportunities to bring to the Attorney General's attention important policy matters raised by the United States Attorneys and/or various components of the Department. The Committee strives to present to the Attorney General during these sessions clear synopses of current issues, possible solutions, and the Committee's own recommendations. Likewise, these sessions provide an opportunity for Committee members to hear directly from the Attorney General and the Deputy Attorney General matters of current concern to top Department management. Following are some of the key issues discussed:

Crime and Drugs

Many of our discussions with the Attorney General this year centered on the President's Crime Bill. Attorney General Thornburgh asked the United States Attorneys to support this important piece of legislation and to speak out publicly whenever possible on the need for this legislation.

The Attorney General also thanked the United States Attorneys for their participation in his Crime Summit -- the first of its kind. The Summit was attended by 650 city police chiefs and law enforcement officials. One of its highlights was the announcement of two proposed crime initiatives: Project Triggerlock and Operation Weed and Seed. In Weed and Seed, federal, state and local law enforcement will engage in a massive clean sweep effort to pull the weeds -- to remove violent predators and drug dealers from the target areas. This effort will be accomplished in part through the efforts of Project Triggerlock, a program geared toward identifying dangerous armed criminals and removing them from the streets. Federal and state agencies will then plant the seeds of a new tomorrow, by housing renewal and encouragement of legitimate enterprise in the target area. These initiatives present a great opportunity for the United States Attorneys to take a positive leadership role in economic development policy.

Savings and Loan Fraud -- Debt Collection

Attorney General Thornburgh praised the United States Attorneys, along with the Department, for their efforts in helping to neutralize savings and loan crimes as a political issue. In the area of debt collection, General Thornburgh advised the Committee to give increased emphasis to debt collection, an area now covered by new legislation, noting that the American people would both understand and appreciate an active, vigorous approach.

Publicizing Our Successes

Both former Attorney General Thornburgh and Attorney General Barr asked for the Committee's help in communicating to the public the Department's successes in law enforcement. To this end, the Advisory Committee created a Media Working Group to work closely with the Office of the Deputy Attorney General and the Executive Office for United States Attorneys to accomplish this goal.

American Bar Association

The Attorney General, with the cooperation and assistance of the Advisory Committee, worked diligently to improve relations with the American Bar Association, and to address the ABA's recent revisions to its Model Rules of Professional Conduct.

International Area

Before leaving office, General Thornburgh asked the Advisory Committee to assist the Department in broadening its responsibilities in the international area. He saw the Department becoming a "world partner" in international law enforcement and the administration of justice. To this end, the Advisory Committee created an International Subcommittee to work closely with the Department in this effort.

FIRREA Positions

The Advisory Committee thanked then-Deputy Attorney General Barr and Stuart Gerson (Assistant Attorney General of the Civil Division) for obtaining additional attorney FIRREA positions for the United States Attorneys. These positions were received from the Civil Division to help United States Attorneys recover money damages in financial institution fraud cases.

Settlement Authority

The Attorney General and the Deputy Attorney General were thanked for their efforts in securing an increase in settlement authority for the United States Attorneys in civil cases.

Case Management

The Attorney General and the Deputy Attorney General emphasized their concern about the importance of a uniform case management system for the Department of Justice. The Advisory Committee pledged its support to pursue vigorously this initiative.

OFFICE OF THE DEPUTY ATTORNEY GENERAL

Special Counsel for Financial Institution Fraud

Special Counsel Ira Raphaelson worked very closely with the Advisory Committee to insure the Committee was current on financial institution fraud matters. To assist Raphaelson in his efforts, the Advisory Committee passed a resolution for increased litigation support in the form of bank examiners for savings and loan fraud cases. Other discussions were held with the Special Counsel on ways for Assistant United States Attorneys to exchange information and ideas in working financial fraud institution cases, and on the appropriateness/effectiveness of FIRREA actions against persons in bankruptcy, as proposed by the Federal Deposit Insurance Corporation (FDIC).

A Senior Interagency Group was established to assist in the collective effort to prosecute crimes against financial institutions under the Crime Control Act of 1990. This new group will serve as a policymaking body for the existing National Interagency Bank Fraud Enforcement Working Group and advisory board to the Attorney General through the Special Counsel. Both the Attorney General and Chairman of the Advisory Committee sit on the new Senior Interagency Group.

Executive Office for Asset Forfeiture

The effectiveness and integrity of the asset forfeiture program throughout the country was a key issue on the Committee's agenda. Both George Terwilliger, Principal Associate Deputy Attorney General, and Cary Copeland, Director of the Executive Office for Asset Forfeiture, met with the Committee many times and emphasized the importance of insuring that equitable sharing monies were used to supplement and not supplant local budgets.

The Committee also looked at the effect of the increase set by Congress on caps for administrative forfeitures, and Director Copeland presented proposed asset forfeiture legislation being prepared by the Executive Office for Asset Forfeiture, asking for United States Attorney input. We reviewed the feasibility of creating a new official fund in which all asset forfeiture monies would be deposited, thus decreasing the potential for competition between federal investigative agencies.

The legal issue as to the payment of state and local tax by the federal government on forfeited property was resolved, with the Office of Legal Counsel issuing an opinion which indicated that, absent a waiver of sovereign immunity, an agency of the federal government may not pay such taxes.

THE SOLICITOR GENERAL

Solicitor General Ken Starr was a frequent attendee at the Committee meetings. The Solicitor provided advice on issues being considered by the U.S. Supreme Court, positions taken on such issues by the Department, and possible impacts on the United States Attorneys. At the request of the Committee, the Solicitor General in 1991 began providing to the field synopses of Supreme Court decisions to keep the United States Attorneys abreast of current case law.

The Advisory Committee, at the Solicitor's request, agreed to disseminate to the field information concerning the Administration's civil justice reform proposals (developed by a committee chaired by the Solicitor General) and to encourage active support of those proposals by the United States Attorneys.

OFFICE OF LEGISLATIVE AFFAIRS/OFFICE OF POLICY DEVELOPMENT

The Advisory Committee met regularly with Lee Rawls, Assistant Attorney General for the Office of Legislative Affairs, Steven Schlesinger, Director of the Office of Policy Development (OPD) and Paul McNulty, Principal Deputy Director, OPD.

The Advisory Committee helped to galvanize the United States Attorneys' assistance in supporting the Crime Bill. The Advisory Committee also took an active role in other legislative initiatives which are covered in the Legislative Working Group's report at page 33.

CIVIL DIVISION

From discussions this year with Assistant Attorney General Stuart Gerson, it appears that cases being worked jointly by Assistant United States Attorneys and Civil Division staff attorneys are proceeding smoothly and are marked by a spirit of cooperation.

Veterans Reemployment Rights:

Both the United States Attorneys and the Civil Division were concerned about veteran reemployment rights as a result of the deployment of our armed forces to the Arabian Gulf. The Advisory Committee notified all United States Attorneys of the need to support, through zealous advocacy, those members of the armed forces and reservists who participated in Operation Desert Shield and Operation Desert Storm in the preservation of their reemployment rights under the Soldiers and Sailors Act. United States Attorneys across the nation proceeded to assure the public that the offices of the United States Attorneys would initiate necessary proceedings in the U.S. District Courts to enforce veterans' reemployment rights as guaranteed by federal law.

Qui Tam Suits:

Gerson also reported that the Department had been successful in persuading a number of district courts that government employees may not bring qui tam suits based on information acquired during the course of their government employment, and the Committee agreed to request United States Attorneys to call such cases to the attention of the Civil Division in order to enable the Division to monitor the cases and preserve a uniform Department position on this issue.

CIVIL RIGHTS DIVISION

The Advisory Committee agreed to work closely with the Civil Rights Division in the time period preceding and following the implementation date of the Americans with Disabilities Act. The Act calls for United States Attorneys to play an active role in its enforcement, and will lead to some increased litigation in United States Attorneys' offices. Close coordination with the Division will be essential to ensure smooth implementation and to determine whether additional resources will be necessary.

In addition, the Committee adopted a bluesheet change to the United States Attorneys' Manual which sets forth procedures for communication between United States Attorneys' offices and the Civil Rights Division at the onset of an investigation initiated by either entity.

CRIMINAL DIVISION

American Bar Association:

The Advisory Committee has taken an active role in working with Assistant Attorney General Robert S. Mueller III with respect to issues of contention between the Department and the American Bar Association (ABA). Since at least 1989, the ABA has taken a position in strident opposition to the efforts of prosecutors at all levels of government to conduct their business according to the dictates of the law governing criminal investigation and prosecution. Rules and "prosecution function standards" favored by those in power in the ABA, but later abandoned following a strong joint response by the Attorney General and state and local prosecutors' organizations, included positions in direct contradiction of the Supreme Court and statutory law.

The Advisory Committee expressed the gratitude of all United States Attorneys and their LECC membership to the Attorney General, the Deputy Attorney General and Assistant Attorney General Mueller for the prominent roles they have played in the crucial battle against these efforts of the ABA, which in essence had allowed itself to become a vehicle for furtherance of the views of criminal defense attorneys.

DR 7-104:

The Advisory Committee has taken an active role on the question of dealing with attacks on federal prosecutors based on the language of former DR 7-104 (current Model Rule 4.2), concerning communication with persons represented by counsel. A working group of five United States Attorneys continue to work closely with the Assistant Attorney General's Office on this matter.

Other Matters:

The Advisory Committee reviewed proposed guidelines prepared by the Criminal Division for the review and authorization of money laundering prosecutions. In addition, they adopted three bluesheet changes for the United States Attorneys' Manual: 1) guidelines permitting United States Attorneys to authorize interception of electronic communications over digital display pagers without the need to petition the Criminal Division; 2) a policy on plea agreements involving asset forfeiture; and 3) a policy setting forth the responsibilities of the United States Attorneys and their staffs with respect to drug evidence destruction.

ENVIRONMENT AND NATURAL RESOURCES DIVISION

The Advisory Committee, acting on the recommendation of its Environmental Crimes Subcommittee, met with Richard B. Stewart, former Assistant Attorney General of the Environment and Natural Resources Division, and Barry Hartman, Acting Assistant Attorney General (formerly Deputy Assistant Attorney General) to discuss proposed policies on the exercise of prosecutorial discretion in the area of corporate environmental violations, and the manner in which investigations should be coordinated between United States Attorneys offices and the Division. The Committee hopes to resolve these issues in early 1992.

TAX DIVISION

The Advisory Committee commended Assistant Attorney General Shirley Peterson for the excellent cooperation United States Attorneys have found in the Tax Division under her leadership.

Some of the issues raised this year with Mrs. Peterson, and Jim Bruton, Deputy Assistant Attorney General, include the unique difficulties involved in addressing tax violations by those who file returns electronically. The Tax Division also agreed to delegate to the United States Attorneys the authority to authorize grand jury investigations of false claims for tax refunds in violation of 18 U.S.C. §§ 286-287. This move toward decentralization of authority was welcomed by the United States Attorneys.

FEDERAL BUREAU OF INVESTIGATION

The Advisory Committee met regularly with Director William Sessions and members of his top staff including Bill Baker, Assistant Director, Criminal Investigations Division, and Joe Davis, Assistant Director - Legal Counsel.

Heartland:

The Committee discussed the FBI's Heartland Strategy and its request for additional resources for rural areas of the country, in particular to the OCDETF area.

Organized Crime National Strategy:

The Committee also addressed the Organized Crime National Strategy, recommending that it take into account the continued existence of traditional Sicilian organized crime as well as the growth of Asian organized crime.

Supreme Court Cases:

Two Supreme Court cases were raised with the Committee, Riverside v. McLaughlin and the Henthorne decision. Riverside sets forth a requirement of a probable cause finding within forty-eight hours of a warrantless arrest, and the FBI requested that legal advisors contact the United States Attorneys to insure they are aware of the policy and that magistrates are notified within the stated timeframe. The Henthorne decision places a burden on the prosecution to review Brady material, resulting in many motions by defense counsel seeking Brady material contained in the personnel files of agent witnesses. The Criminal Division is preparing guidance on how to respond to this issue.

DNA Technology:

The FBI and the United States Attorney's office for the Eastern District of Virginia gave a joint presentation on DNA analysis. The use of DNA technology in law enforcement, when applied in a responsible and well-coordinated manner with due consideration for the needs of our criminal justice system, will enhance the effectiveness, efficiency and productivity of the Nation's effort to combat violent crime.

DRUG ENFORCEMENT ADMINISTRATION

The Committee met regularly with Robert C. Bonner, Administrator of the DEA, during the year and pledged support for DEA's Rural America Drug Enforcement (RADE) plan which would place many more DEA agents in the heartland of the nation.

Other issues discussed with Bonner included confidential informants, DEA's investigative responsibility for anabolic steroids, and the increase in indoor marijuana production in this country. Bonner alerted the Committee that DEA perceives marijuana the new "threat of the 90s." Marijuana's potency has increased to ten times what it was in the 60s and 70s.

Bonner also reported that DEA has streamlined its processing for administrative forfeiture and equitable sharing requests.

UNITED STATES MARSHALS SERVICE

The Committee met this year with K. Michael Moore, Director of the Marshals Service, discussing the resolution of problems in the area of witness fees and witness protection. Proposed legislation prepared by the Department was passed by the Congress which precluded federal prisoners from obtaining witness fees for testifying in court, nullifying the effect of the Supreme Court's decision in Demarest v. Manspeaker. The Committee also worked closely with the Marshals Service to develop a plan for short-term protection of federal witnesses.

DEPARTMENT OF THE TREASURY

The Advisory Committee met several times with Peter Nunez, Assistant Secretary (Enforcement) and Deputy Assistant Secretary Nancy Worthington, Department of the Treasury. The Committee supported a proposal with the Internal Revenue Service (IRS), that the IRS reporting structure be changed to provide that Criminal Investigation Division (CID) agents report to a law enforcement supervisor rather than through District Counsel as is now the case. The Committee voiced its support for increased resources for IRS CID agents, who were acclaimed as excellent agents whose expertise is in greater need today than ever before.

Another issue raised was that of the role of Secret Service agents in the investigation of financial institution fraud cases, including their part in that important effort as well as in Treasury's own heartland strategy.

IMMIGRATION AND NATURALIZATION SERVICE

The Committee met with Gene McNary, Commissioner of the INS, to discuss a proposed pilot project by the INS to transfer law enforcement resources to employer sanctions.

The Advisory Committee was asked to review a policy on the role of the federal court system in naturalization ceremonies.

BUREAU OF PRISONS

J. Michael Quinlan, Director of the Bureau of Prisons, briefed the Committee on Operation Boot Camps, stating that it had been put into effect and if successful, would be expanded.

A concern about the Bureau's locator service was brought to Quinlan's attention and discussions continue to resolve this issue.

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

As noted in the Introduction, the Advisory Committee worked closely throughout the year with the Director of the Executive Office for United States Attorneys, Laurence S. McWhorter, and members of his staff. Among issues of concern which continue to be addressed are case management, office and computer security, and space needs of the United States Attorneys' offices.

The Committee appointed a working group to further effective case management by developing a uniform data management system for all United States Attorneys' offices. Members of the Committee will also be involved in a related effort by the Department to develop a similar system. Also, the Committee fully supported Director McWhorter's "Garbage Out" effort, which succeeded by the end of the calendar year 1991 in clearing out inaccurate data from the case management data systems in the offices of the United States Attorneys.

OTHER DEPARTMENT OF JUSTICE COMPONENTS

The Advisory Committee met with many other individuals to discuss a variety of issues.

- o Pardon Attorney Margaret Love met with the Advisory Committee to review the process by which pardon applications are processed to determine what changes may be in order to improve both its efficiency and reliability.

- o The Committee met with John Logan, Director of the U.S. Trustees to discuss the improvement of the criminal referral process for bankruptcy fraud cases.

- o Media concerns were addressed with Dan Eramian, former Director of the Office of Public Affairs.

- o One of the Department's new initiatives is in the area of international concerns, and at the request of the Advisory Committee, Robin Ross, Assistant to the Attorney General, discussed how the Department could expand its role.

- o The Advisory Committee is working with Jimmy Gurule, Assistant Attorney General of the Office of Justice Programs, to expand the role of the United States Attorneys in grants to state law enforcement agencies.

SUBCOMMITTEES

CIVIL ISSUES AND TAX SUBCOMMITTEE

Chairman:

Robert Q. Whitwell

Mississippi, Northern District

Members:

J. Michael Fitzhugh, Arkansas, Western District

Tony M. Graham, Oklahoma, Northern District

Jeffrey R. Howard, District of New Hampshire

Gene W. Shepard, Iowa, Southern District

Lee Thompson, District of Kansas

E. Montgomery Tucker, Virginia, Western District

James Eldon Wilson, Alabama, Middle District

Deborah J. Daniels, Indiana, Southern District

(Liaison)

The Civil Issues and Tax Subcommittee was quite active in 1991, addressing various issues of a civil nature in order to keep the Attorney General's Advisory Committee and all United States Attorneys apprised of the changes that are rapidly occurring in this area.

Civil Rules of Procedure

The most critical issue addressed in 1991 has been that of the proposed amendments to the Civil Rules of Procedure. The committee has closely coordinated its efforts in this area with the Department of Justice representative on the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. The subcommittee was successful in obtaining input into the potential implementation of civil rules that would adversely affect the Department of Justice and United States Attorneys in general, blocking several such rules by filing well-reasoned objections. This effort continued throughout the year. The final rule changes are expected to be determined by 1992.

Judicial Reform Act of 1990

The subcommittee also provided advice and counsel to the Attorney General's Advisory Committee and all United States Attorneys on the Judicial Reform Act of 1990, to assist United States Attorneys in preparation for their ex officio roles on the judicial committees in each district.

Civil Justice Reform

The subcommittee also addressed the Executive Order submitted to and eventually signed by President Bush as part of the implementation of the Civil Justice Reform initiative proposed by Vice President Quayle's Council on Competitiveness. The subcommittee sought from United States Attorneys, and provided through the Department, specific suggestions on the substance of the Executive Order. In addition, a representative of the subcommittee is working with the American Bar Association to coordinate efforts on behalf of the Advisory Committee related to civil justice reform.

Settlement Authority

As a result of the subcommittee's recommendations to then-Deputy Attorney General William P. Barr, the settlement authority of United States Attorneys was raised to five hundred thousand dollars (\$500,000.00).

Tax and IRS Matters

The subcommittee met with the Assistant Attorney General for the Tax Division to discuss tax policy issues that affect United States Attorneys, the Tax Division and the Internal Revenue Service. Those issues include excise wagering tax, motor vehicle excise taxes, sentencing guidelines issues concerning tax cases, internal audit access to grand jury files, legislative proposals, delays in review of proposed criminal tax cases and lack of IRS/CID manpower.

CONTROLLED SUBSTANCES SUBCOMMITTEE

Chairman

*John W. Gill, Jr.
Tennessee, Eastern District*

Members: *Michael D. Crites, Ohio, Southern District*

*William A. Kolibash, West Virginia, Northern District
Michael W. Norton, District of Colorado
Hinton R. Pierce, Georgia, Southern District
J. B. Sessions, III, Alabama, Southern District
Kenneth W. Sukhia, Florida, Northern District
Ronald G. Woods, Texas, Southern District
Wayne A. Budd, District of Massachusetts (Liaison)*

The Controlled Substances Subcommittee met regularly in 1991 with various top-level Department of Justice officials as well as officials of the Department of the Treasury. The subcommittee includes as liaison a core city Organized Crime Drug Enforcement Task Force (OCDETF) Assistant United States Attorney. Highlights for the year 1991 included:

Awards to Confidential Informants

The subcommittee reviewed the subject of awards to confidential informants and cooperating witnesses, and the payment of federal income tax on such awards, resulting in a tightening of agency regulations advising informants and witnesses of their tax responsibilities.

Drug Intelligence Sharing

The subcommittee also met with officials from the investigative agencies and the Department of Justice on the subject of drug intelligence sharing, identifying the need of prosecutors in this area as well as the difficulty in achieving intelligence sharing at the district and regional levels. The Committee will continue to work toward an effective means of intelligence sharing at the local level with each United States Attorney's office.

Asset Forfeiture

The subcommittee was asked in 1991 to accept added responsibilities in the area of asset forfeiture. A determination was made that, though the necessary elements are in place for a successful asset forfeiture program, the investigative agencies and United States Attorneys would benefit by an increased understanding of the forfeiture procedure in order to be more effective in this area. The subcommittee recommended, and the Executive Office for Asset Forfeiture agreed, that a series of training conferences for United States Attorneys and investigative agency Special Agents in Charge, patterned after the 1991 financial litigation training conferences for United States Attorneys, should be planned for 1992.

General Issues

Other issues dealt with on an ongoing basis by the subcommittee include: a lack of Drug Enforcement Administration (DEA) support personnel; a lack of Internal Revenue Service (IRS) investigative personnel; training for Assistant United States Attorneys on the use of intelligence data bases; problems in national and international drug intelligence; use of budget specifications to require co-housing of state and federal agents; and suggestions for increased involvement in the anti-drug effort by the Immigration and Naturalization Service (INS).

DRUG ABUSE PREVENTION AND EDUCATION SUBCOMMITTEE

Chairman

Ronald D. Lahners
District of Nebraska

Members: *Thomas J. Ashcraft, North Carolina, Western District*

Daniel A. Bent, District of Hawaii
Joseph S. Cage, Jr., Louisiana, Western District
William C. Carpenter, Jr., District of Delaware
Robert W. Genzman, Florida, Middle District
Frederick J. Scullin, Jr., New York, Northern District
Charles H. Turner, District of Oregon
Wayne A. Budd, District of Massachusetts (Liaison)

The Drug Abuse Prevention and Education Subcommittee worked during 1991 to plan a major conference for United States Attorneys and Law Enforcement Coordinating Committee (LECC) Coordinators on the subject of drug abuse prevention. It was felt by the subcommittee members that, given the prominent role of United States Attorneys in the drug abuse prevention area as well as the enforcement area, the success stories available to be shared between districts and the turnover in United States Attorney positions since the last such conference in 1990, such a conference would be of major benefit to the anti-drug abuse effort. The Attorney General's Advisory Committee adopted this proposal at its July, 1991 meeting, and the conference is tentatively scheduled for August, 1992.

The subcommittee also obtained assistance from the Executive Office for United States Attorneys in the area of screening available drug prevention materials for dissemination to all United States Attorneys along with talking points on drug abuse prevention. The subcommittee's work in the first several months of 1992 will be concentrated on finalizing the details for the drug abuse prevention conference.

ENVIRONMENTAL CRIMES SUBCOMMITTEE

Chairman

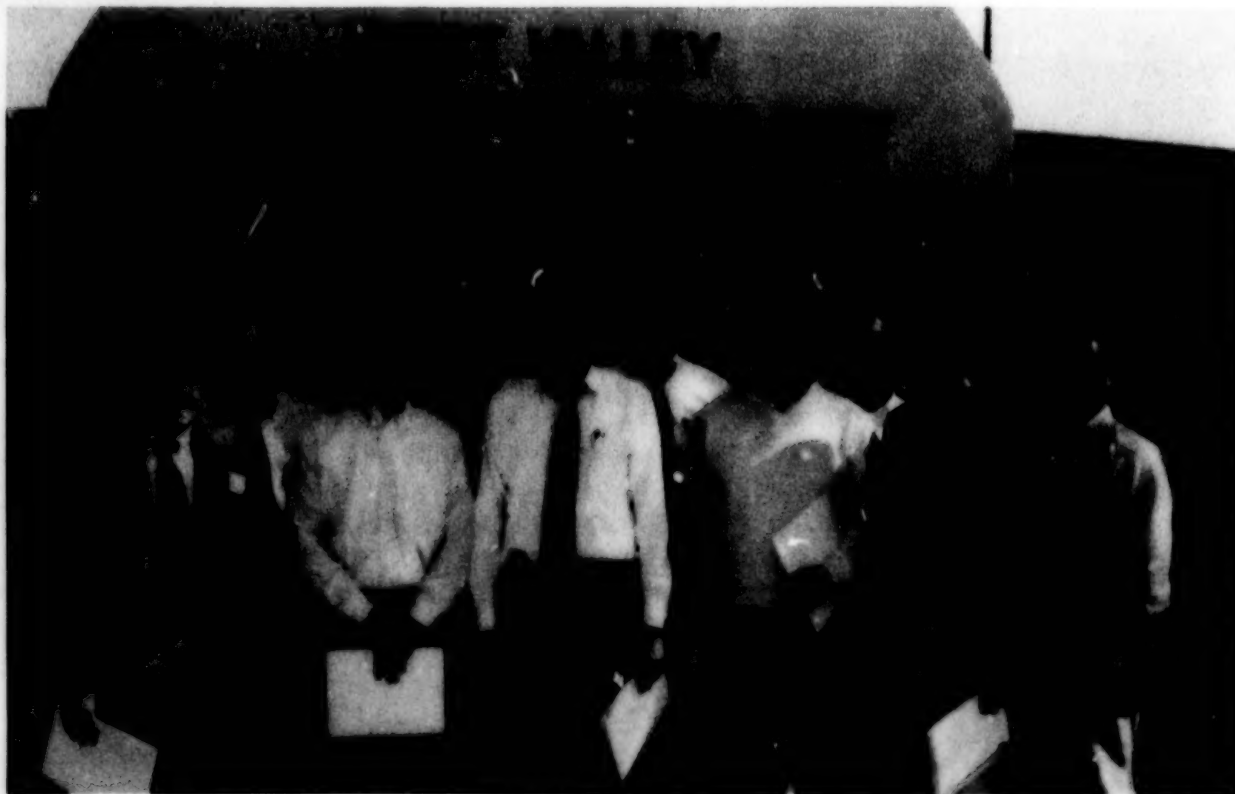
Dennis C. Vacco
New York, Western District

Members: John A. Fryatt, Wisconsin, Eastern District
Frederick J. Hess, Illinois, Southern District
Robert J. Wortham, Texas, Eastern District
J. William Roberts, Illinois, Central District (Liaison)

Formulated in May, 1990 by the Chairman of the Attorney General's Advisory Committee, 1991 was the first full year of operation for the Environmental Crimes Subcommittee.

West Valley Demonstration Project Tour

On August 7, 1991, the members of the Environmental Subcommittee toured the West Valley Demonstration Project in West Valley, New York. The West Valley Demonstration Project is a federally operated facility which processes nuclear wastes. This tour was an integral part of the Environmental Subcommittee's August meeting which was held in Buffalo, New York.



(left to right) Neil Cartusciello, Chief, Environmental Crimes Section, DOJ; Louis J. Gicale, Chief, Civil Division, (Western District of New York); E. Bart Daniels, (United States Attorney, District of South Carolina); Robert J. Wortham, (United States Attorney, Eastern District of Texas); Joseph M. Whittle, Chairman, Attorney General's Advisory Committee, (United States Attorney, Western District of Kentucky); Frederick J. Hess, (United States Attorney, Southern District of Illinois); Barry Hartman, Acting Assistant Attorney General, Environment & Natural Resources Division, DOJ; Mark Rotert, (Assistant United States Attorney, Northern District of Illinois); John E. Fryatt, (United States Attorney, Eastern District of Wisconsin); Doc Morrison, (United States Attorney, District of Utah) (now Federal District Judge); Dennis Vacco (United States Attorney, Western District of New York)

Review and Authorization Process for Environmental Cases

The most significant aspect of the subcommittee's work to date has been to recommend to the full Advisory Committee a revision of the United States Attorneys' Manual, Title 5, as it relates to the review and authorization process for environmental cases. The subcommittee drafted, reviewed and submitted to the full Advisory Committee a proposed bluesheet on this subject, which was adopted by the Advisory Committee and forwarded for final adoption to the Deputy Attorney General.

Resource Manual

The subcommittee also compiled a resource manual listing the names of Assistant United States Attorneys in each district who are assigned the responsibility for environmental cases. The manual, in the printing stage in November, 1991, will be distributed to all districts as soon as available and should be of great assistance to prosecutors confronting issues new to them, but perhaps confronted previously by others, in this still-emerging field of law enforcement.

Case Management and Training

The subcommittee is looking at ways to improve the United States Attorneys' case tracking system to reflect environmental crimes. Also, the subcommittee has been involved in the development of a training program for Assistant United States Attorneys, and is working with the Attorney General's Advocacy Institute to develop a curriculum which will be offered in the spring of 1992.

National Environmental Enforcement Council

The Chairman of the subcommittee sits as a member of the National Environmental Enforcement Council.

FINANCIAL LITIGATION SUBCOMMITTEE

Chairman

Charles W. Larson
Iowa, Northern District

Members: *Lourdes G. Baird, California, Central District*
Michael M. Baylson, Pennsylvania, Eastern District
Marvin Collins, Texas, Northern District
Edgar W. Ennis, Georgia, Middle District
Joyce J. George, Ohio, Northern District
Philip N. Hogen, District of South Dakota
James J. West, Pennsylvania, Middle District
Deborah J. Daniels, Indiana, Southern District
(Liaison)

Federal Debt Collection Procedures Act

During the past year, the Financial Litigation Subcommittee has focused its efforts on implementation of the Federal Debt Collection Procedures Act (FDCPA), working closely with the Financial Litigation Section of the Executive Office for United States Attorneys. In so doing, the subcommittee has accomplished the following:

1. Seventy three United States Attorneys attended one-day Executive Sessions on the FDCPA, how to evaluate their collection efforts, and how to organize to effectively collect debts.
2. Over 517 Assistant United States Attorneys and Financial Litigation Unit (FLU) personnel were trained on the FDCPA.
3. Training was conducted for agency attorneys for the Veterans Administration, the Small Business Administration, and Federal Bureau of Prisons' personnel.
4. Collection of Criminal Fines training was conducted in 80 of the 94 districts. Over 2,000 Assistant United States Attorneys and probation officers have attended joint training programs in the past year.

Bankruptcy Symposiums

The subcommittee also held Bankruptcy Symposiums in the Tenth, Eleventh and Ninth Circuits during the past year. Each of the eleven judicial circuits has now been provided this training. During 1991, a total of 375 Assistant U.S. Attorneys, agency counsel, and agency loan officials received key information on bankruptcy litigation.

National Central Intake Facility

The National Central Intake Facility (NCIF) began operation on October 1, 1990. The NCIF, which provides accountability for the debts owed the various agencies of the U.S. Government and sent to the United States Attorneys for collection, has established significant credibility with the Office of Management and Budget (OMB) and other agencies during its short tenure. In its first year of operation, 26,608 cases with a value of \$457,392,826 were expedited through the NCIF.

Projects developed for future implementation include:

1. The NCIF plans a program to begin in February, 1992 whereby federal lending agencies can dial in an applicant's social security number to determine if there is a judgment of record.
2. A team of Assistant United States Attorneys is studying the cost effectiveness of nonjudicial foreclosures, to culminate in proposed legislation in 1992.

INDIAN AFFAIRS SUBCOMMITTEE

Chairman

Phillip N. Hogen
District of South Dakota

Members: Linda Akers, District of Arizona

John E. Fryatt, Wisconsin, Eastern District
Thomas B. Heffelfinger, District of Minnesota
Don J. Svet, District of New Mexico
Doris M. Poppler, District of Montana
John W. Raley, Jr., Oklahoma, Eastern District
Frederick J. Scullin, Jr.,
New York, Northern District
Deborah J. Daniels, Indiana, Southern District
(Liaison)

Reversal of Duro Decision

The Indian Affairs Subcommittee addressed a number of far-reaching issues during 1991. Subcommittee members provided anecdotal details and information as well as testimony at Congressional hearings as Congress enacted legislation which in effect reversed the recent Supreme Court decision in Duro v. Reina, 110 S.Ct. 2053 (1990). The Duro holding, that tribal courts do not have misdemeanor jurisdiction over non-member Indians, left a serious gap in law enforcement given that the federal government is similarly deemed not to have jurisdiction over members of Indian tribes who commit misdemeanor offenses against other Indians. Further, it was uniformly felt by United States Attorneys with jurisdiction over Indian country that the federal court system is not well suited to handle the large volume of misdemeanors which would result from expansion of that jurisdiction. With the subcommittee's support and active encouragement, the Department of Justice joined Indian tribes in urging Congress to retain that level of criminal enforcement at the tribal levels. The legislation re-establishing such tribal jurisdiction was signed into law on October 28, 1991.

Attorney General Guidelines on Victim and Witness Assistance

The subcommittee assisted in the formulation of the new Attorney General's Guidelines on Victim and Witness Assistance, providing statistics and anecdotal information and emphasizing the unique caseload generated by Indian country cases. This caseload includes a disproportionately large share of crimes of violence and child sex abuse offenses occurring in remote, culturally distinct communities, where resources often available in other American societal and economic strata are not readily available.

Indian Gaming

The subcommittee closely coordinated its activities regarding the development of Indian gaming and offenses relating to gaming in Indian country with the recently established National Indian Gaming Commission. Policies were developed and endorsed by the Advisory Committee and the Department of Justice regarding consistent enforcement of gaming statutes, including those enacted with the National Indian Gaming Regulatory Act.

Federal Tort Claims Act Coverage to Indian Tribes

The subcommittee consulted with the Civil Division and with Indian tribal organizations in assessing the impact of the extension of Federal Tort Claims Act coverage to Indian tribes and tribal contractors. The subcommittee continues to assemble information and provide support for policy reassessment which may significantly impact the need for resources to respond to what may be a significant new caseload of tort claims to be defended by United States Attorneys in Indian country.

INTERNATIONAL RELATIONS SUBCOMMITTEE

Chairman

Lourdes G. Baird

California, Central District

Members: Charles W. Larson, Iowa, Northern District

Otto G. Obermaier, New York, Southern District

J. B. Sessions, III, Alabama, Southern District

J. William Roberts, Illinois, Central District

(Liaison)

The International Relations Subcommittee was created in August, 1991 in response to the increasing involvement of international issues and national security matters in cases handled by United States Attorneys' offices. In October the subcommittee met with officials of the Department to discuss specific interests of the Department in both these areas.

International and National Security Issues

The members of the subcommittee decided that the best way to deal with international and national security issues in the field is to designate an Assistant United States Attorney in each district as the in-house expert and Department of Justice contact for these matters. At the subcommittee's suggestion, the Department will arrange a training session for the designated AUSAs, followed by periodic supplemental training and a newsletter. The designated AUSAs, together with the United States Attorneys, will assume the responsibility for dealing with the Department of Justice and other entities on international and national security matters; for advising their colleagues on these same matters; and for overseeing the expeditious handling of Mutual Legal Assistance Treaties (MLATs) and extradition requests from foreign governments as well as other related matters.

International Relations

In the area of international relations, the subcommittee will study training requests from foreign governments, international exchanges of prosecutors, the revision of existing Mutual Legal Assistance Treaties and extradition treaties, new legislation and the drafting of model legislation.

In the area of national security the subcommittee will study procedures for the handling of classified materials, security issues within U.S. Attorneys' offices and the definition of authority in these matters. A date has been set for the subcommittee members to meet with agencies outside the Department of Justice involved in international and national security matters in order to become more familiar with the jurisdiction and procedures of those agencies.

Binational Conference

A group of United States Attorneys attended the 3rd Binational Conference of Prosecutors held in Monterey, Mexico in November, 1991. This conference is held annually to enhance prosecutorial relations between federal prosecutors and Mexican authorities.

INVESTIGATIVE AGENCIES SUBCOMMITTEE

Chairman

J. William Roberts
Illinois, Central District

Members: E. Bart Daniel, District of South Carolina
Deborah J. Daniels, Indiana, Southern District
Joe D. Whitley, Georgia, Northern District
Wayne A. Budd, District of Massachusetts
(Liaison)

The Investigative Agencies Subcommittee was quite active during 1991. The purpose of the subcommittee is to address matters of interaction between federal investigators and prosecutors with an eye to identifying potential areas of conflict and seeking amicable resolution in these areas.

Advisory Committee of Special Agents in Charge

The subcommittee continued what has been a stable and productive relationship with the FBI Director's Advisory Committee of Special Agents in Charge and began the process of developing and defining a similar working relationship with the enforcement agencies of the Department of the Treasury (Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, Secret Service and Customs, as well as joint operations, such as FINCEN, which serves an investigative function). The subcommittee has found that it is possible, by meeting at length on a periodic basis with such agencies, to resolve some formerly nettlesome issues of concern to prosecutors and investigators throughout the country. In the course of its meetings with the various investigative agencies, the subcommittee has reviewed their respective priority programs and seeks to anticipate future demands on resources.

Confidential Informants and Cooperating Witnesses

The subcommittee has recently been assigned the task of working with representatives of the Criminal Division and investigative agency headquarters personnel on issues relating to confidential informants and cooperating witnesses, and the coordination of agency relationships with these witnesses in cooperation with United States Attorneys' offices. This effort will be undertaken in calendar year 1992, along with further development of the above efforts with individual investigative agencies.

LAW ENFORCEMENT COORDINATING COMMITTEE/ VICTIM-WITNESS SUBCOMMITTEE

Chairman

George L. Phillips
Mississippi, Southern District

Members: *Linda Akers, District of Arizona*

Charles A. Banks, Arkansas, Eastern District

Michael W. Carey,

West Virginia, Southern District

Richard S. Cohen, District of Maine

Frank W. Donaldson, Alabama, Northern District

Ronald F. Ederer, Texas, Western District

Richard A. Stacy, District of Wyoming

*Deborah J. Daniels, Indiana, Southern District
(Liaison)*

The Law Enforcement Coordinating Committee/Victim-Witness Subcommittee dedicated a substantial amount of its efforts in 1991 to a review, in cooperation with the Office for Victims of Crime (OVC), of the proposed Victim's Rights and Child Exploitation legislation for the purpose of determining whether the proposed legislation would result in substantive changes in the law relating to the duties of United States Attorneys' offices. The review also served the further purpose of determining whether the proposed legislation would require the devotion of additional resources by the United States Attorneys' offices.

LECC Coordination and Victim-Witness Assistance

In this connection, the recommendation of the subcommittee to the full Advisory Committee, and through the Committee to the Attorney General, that two full-time positions be designated in each district to fulfill the duties of LECC coordination and victim-witness assistance, was approved. The announcement by the Attorney General in March 1991, that the additional position had been approved was met with unanimous support and gratitude on the part of all United States Attorneys. As of the end of 1991, districts around the country are filling the new positions and thereby serving both functions much more effectively than was possible in the past.

Attorney General Guidelines for Victim-Witness Assistance

The subcommittee also assisted in rewriting the Attorney General's Guidelines for Victim-Witness Assistance as proposed by the OVC. After many hours of discussion, revisions by a working group and a final line-by-line review and revision by the full subcommittee, the new guidelines were proposed to the Attorney General, and were formally adopted by the Attorney General on August 6, 1991.

Working Group to Study Collection of Restitution for Non-Federal Victims

In view of new legislation and initiatives with respect to the rights of victims, many United States Attorneys have expressed concern as to what role the collection staff and financial litigation units of United States Attorneys' offices play in the collection of criminal fines and restitution, specifically in those cases involving non-federal victims. After lengthy discussion of the pros and cons of the United States Attorneys' offices accepting responsibility for the collection of restitution for non-federal victims, a working group was tasked to determine a proposed uniform policy on this issue. The subcommittee discussed the proposed policy and will follow up with the full Advisory Committee for action in 1992.

OBSCENITY AND CHILD EXPLOITATION SUBCOMMITTEE

Chairmen:

Margaret Person Currin
North Carolina, Eastern District

Members: *Edward G. Bryant, Tennessee, Western District*
Jeffrey R. Howard, District of New Hampshire
Michael J. Norton, District of Colorado
John W. Raley, Jr., Oklahoma, Eastern District
Kenneth W. Sukhla, Florida, Northern District
Robert Q. Whitwell, Mississippi, Northern District
Deborah J. Daniels, Indiana, Southern District
(Liaison)

The Subcommittee on Obscenity and Child Exploitation worked closely throughout the year with the Criminal Division's Child Exploitation and Obscenity Section (CEOS), sharing information on ongoing operations of national scope. The subcommittee and the CEOS examined the effectiveness of anti-obscenity operations around the country, including the ongoing Postal Inspection Service and U.S. Customs Service operations. They also reviewed pending prosecutions and court rulings pertaining to the constitutionality of certain types of prosecutions, such as multi-district prosecutions, with an eye toward determining the future direction of these efforts.

Prosecutions Around The Country

The subcommittee worked closely with the CEOS to coordinate various prosecutions around the country, including:

- An ongoing investigation of major Los Angeles producers and distributors of hardcore pornography. To date, nine indictments have been returned, and two of the largest Los Angeles producers and distributors of hardcore pornography (California Publishers Liquidating Corporation and Great Western Litho Inc.), were convicted in Dallas, Texas in July, 1991.

- Project Postporn, the Postal Inspection Service operation, which has to date resulted in 50 convictions in 19 separate districts.

- Other specific prosecutions in various districts, including the conviction of General Video Midwest, a Chicago distributor, in the Northern District of Florida; the dissolution of a national child pornography and obscenity distribution business as a result of convictions occurring in the District of New Hampshire; and the convictions of two associates of major obscenity distributor Reuben Sturman (as well as Sturman himself in a separate prior prosecution), resulting in forfeitures valued at \$2.5 million in the District of Nevada.

Recruitment and Training

The subcommittee continues to work toward the recruitment and training of lawyers in this challenging area of the law. In cooperation with the Attorney General's Advocacy Institute and the CEOS, the subcommittee sponsored a four-day training session in August, 1991 for Assistant United States Attorneys and Criminal Division staff attorneys on the various issues related to the investigation and prosecution of obscenity and child exploitation. Approximately 100 attorneys, representing 73 of the 94 districts, attended this well-received program.

OFFICE MANAGEMENT AND BUDGET SUBCOMMITTEE

Chairmen

Timothy D. Leonard
Oklahoma, Western District

Members:

Jean Paul Bradshaw, II,
Missouri, Western District
Joe B. Brown, *Tennessee, Middle District*
William C. Carpenter, Jr., *District of Delaware*
Thomas W. Corbett, Jr.,
Pennsylvania, Western District
Deborah J. Daniels, *Indiana, Southern District*
Charles W. Larson, *Iowa, Northern District*
Mike McKay, *Washington, Western District*
Jay B. Stephens, *District of Columbia*
J. William Roberts, *Illinois, Central District*
(Liaison)

In 1991, the former Office Management Subcommittee and Budget Subcommittee were merged into one, with the responsibility for all issues relating to both former committees. One of the most crucial duties of the subcommittee was the compilation and review of the spring call initiatives from all United States Attorneys' offices in preparation for the 1993 budget requests for United States Attorneys and EOUSA. Further, subcommittee members worked with the Advisory Committee leadership and EOUSA in regard to testimony before the Justice Management Division, Office of Management and Budget, and Congress on the 1992 and 1993 budget requests.

Management by United States Attorneys

This year the Advisory Committee, through the Office Management and Budget Subcommittee, placed major emphasis on management by United States Attorneys. Toward that end, the subcommittee sponsored and conducted two orientation conferences for new United States Attorneys (March and November, 1991), primarily emphasizing the management aspect of their official duties, as well as sponsoring two office management seminars for the benefit of all United States Attorneys.

Managing Personnel Budgets

The subcommittee initiated and recommended the process, since adopted by the Advisory Committee and EOUSA, which enables United States Attorneys to effectively manage their personnel budgets. In a break from past years, United States Attorneys have assumed direct responsibility for their personnel budgets, which both permits better control over the personnel budget and provides United States Attorneys with a greater degree of control over that budget. In order to insure fair treatment of all Assistant United States Attorneys in the new system, the subcommittee initiated an annual simultaneous performance review method which replaced the former method of reviewing each Assistant's performance on the anniversary date of his entry on duty with the Department. The subcommittee also resolved to lower the bottom of the AUSA pay scales in order to provide United States Attorneys with more flexibility to appropriately rate performance even in lean budget years.

Worklife Policy

Finally, the subcommittee approved a worklife policy plan submitted by EOUSA, and adopted a new performance element for supervisory AUSAs to insure updated and accurate data input in each office in the interest of proper case management and accurate reports.

ORGANIZED CRIME AND VIOLENT CRIME SUBCOMMITTEE

Chairman

Joe D. Whitley
Georgia, Northern District

Members:

Lourdes G. Baird, *California, Central District*
Michael Chertoff, *District of New Jersey*
Joyce J. George, *Ohio, Northern District*
Andrew J. Maloney, *New York, Eastern District*
Stephen J. Markman, *Michigan, Eastern District*
Otto G. Obermaier, *New York, Southern District*
Dennis C. Vacco, *New York, Western District*
J. William Roberts, *Illinois, Central District*
(Liaison)

The Organized Crime and Violent Crime Subcommittee was a focus in 1991 of several emerging and evolving efforts of the Department of Justice as a whole.

Triggerlock

The subcommittee coordinated with Department of Justice and Department of the Treasury officials at the inception of the Project Triggerlock initiative, and continued its liaison through the year with the Criminal Division's Terrorism and Violent Crime Section on such issues as statistical reporting to the Criminal Division and EOUSA. The subcommittee accepted a continuing role in fine-tuning the Triggerlock initiative, raising such issues as case quality and the proper role of state and local law enforcement as agenda items for future meetings. The subcommittee will discuss, along with the Triggerlock Working Group (*see* p. 37), the development of formulas for success in this area, the potential waiver of the Department's *Petite* policy as a proposed next phase of Triggerlock, and coordination with the Bureau of Alcohol, Tobacco and Firearms on drug purchase dollar amounts.

Emerging Organized Groups and Gangs

The subcommittee has fostered discussion of novel investigative/prosecutive efforts in pursuit of emerging organized groups and gangs, and plans to explore in 1992 the development of a "menu" of novel ideas in this area for adoption by United States Attorneys facing similar threats across the nation. The subcommittee has dealt with issues relating not only to the Sicilian Mafia and the continuation of United States Attorney efforts to detect and prosecute crimes committed by that organization, but also the need for resources to deal with the threat posed by the emergence of Asian organized crime. The subcommittee has coordinated with the Criminal Division's Organized Crime and Racketeering Section (OCRS) to plan a meeting between OCRS, United States Attorneys and their Strike Force chiefs to be held in early 1992.

Recommendations

The subcommittee has worked to develop positions to be recommended to the full Advisory Committee on the subjects of minimum mandatory sentencing, the expansion of the racketeering statute to include violent crime predicates, and potential amendment of Rule 35 Federal Rules of Criminal Procedure. Finally, the subcommittee has designated each member a specific area of responsibility in order to insure follow-up on issues of concern. These areas include sentencing guidelines and legislative issues; Sicilian organized crime; Asian organized crime; other emerging criminal organizations; Triggerlock; motorcycle gangs; and strike force management.

PUBLIC CORRUPTION SUBCOMMITTEE

Chairman

*Michael W. Carey
West Virginia, Southern District*

Members:

*E. Bart Daniel, District of South Carolina
Fred L. Foreman, Illinois, Northern District
Raymond P. Lamonica, Louisiana, Middle District
Daniel F. Lopez-Romo, District of Puerto Rico
Harry A. Rosenberg, Louisiana, Eastern District
Jay B. Stephens, District of Columbia
J. William Roberts, Illinois, Central District
(Liaison)*

The Public Corruption Subcommittee continued in 1991 its three-year effort to pursue aggressively the enactment of expanded legislation on the subject of public corruption and election fraud. The proposed legislation has been extensively reviewed and endorsed, not only by the Advisory Committee as a whole, but also by all 93 United States Attorneys. In 1991, as in the two preceding years, the proposed legislation was passed by the United States Senate, this time as an aspect of the Senate's crime bill; however, the House of Representatives did not place a similar provision in its version of the bill. It is the hope of the Subcommittee at the time of this submission that the conference committee appointed to arrive at a final piece of anti-crime legislation will include the United States Attorneys' language.

The subcommittee has also discussed with the Office of Legislative Affairs and the Office of Policy development the possibility of attaching the public corruption and election fraud provisions to future legislation, in the event that it is not included as part of the crime bill of 1991. Among possible vehicles is the Ethics Act.

In addition to its diligent and aggressive efforts on the subject of much-needed public corruption and election fraud legislation, the subcommittee began in 1991 considering new items of business, including the problem of public corruption in Indian territory. These efforts will continue in 1992.

SENTENCING GUIDELINES SUBCOMMITTEE

Chairman

*Joe B. Brown
Tennessee, Middle District*

Members:

*Michael M. Baylson, Pennsylvania, Eastern District
Stephen D. Easton, District of North Dakota
Robert H. Edmunds, North Carolina, Middle District
Ronald G. Woods, Texas, Southern District
Deborah J. Daniels, Indiana, Southern District
(Liaison)*

The Sentencing Guidelines Subcommittee met regularly during 1991, as in past years, to address a number of significant issues in this rapidly changing area of the law and to provide timely and continued information and assistance to U.S. Attorneys, Assistants, the U.S. Sentencing Commission and the U.S. Congress.

Amendments to Sentencing Guidelines

The subcommittee reviewed and summarized for all United States Attorneys the more than 70 proposed 1991 amendments to the Sentencing Guidelines. Further, the subcommittee advised the Department of the position of United States Attorneys concerning the various proposed amendments and proposed priorities for study by the U.S. Sentencing Commission during its next amendment cycle.

Guideline 5K1.1

The subcommittee helped resolve the issue of how to defend against allegations of bad faith which may arise when the government declines to file a motion for departure below the guidelines for substantial assistance (Guideline 5K1.1), and provided guidance in the matter to all United States Attorneys.

Bluesheet on Uniform Application of the Sentencing Guidelines

The subcommittee finalized a proposed Bluesheet formalizing Department policy expressed in earlier memoranda from the Attorney General, providing express guidance in the areas of written plea agreements and substantial assistance motions as well as charging and pleading policy.

Alternative Sentencing - Mandatory Minimum Sentences

The subcommittee also began discussion, in cooperation with other Department officials, of the knotty problem of alternative sentencing for defendants in the lower criminal ranges. The subcommittee also continued its practice of meeting with members of the defense bar to discuss guideline issues, and to collect information as to how the United States Attorneys as a whole are complying with the guidelines. In this regard, the subcommittee reviewed extensively concerns expressed by the Sentencing Commission in a recent report on mandatory minimum sentences, and, it is hoped, contributed through exhaustive case review and comment toward a better understanding by the Commission and its staff of the basis for certain decisions made by prosecutors with respect to charging and pleading criminal cases.

Significant Changes and Training

The subcommittee prepared and published a summary of the significant changes to the Guidelines which became effective November 1, 1991, and sponsored a very successful training conference in October in cooperation with the Attorney General's Advocacy Institute. Over 100 Assistant U.S. Attorneys were trained in the latest amendments to and applications of the guidelines, and it is hoped that with continued training assistants will remain knowledgeable of the guidelines and will continue to enforce Department policy uniformly in this area.

WHITE COLLAR CRIME SUBCOMMITTEE

Chairman

William C. Carpenter
District of Delaware

Members:

Edward G. Bryant, Tennessee, Western District
Marvin Collins, Texas, Northern District
Maurice O. Ellsworth, District of Idaho
Stephen B. Higgins, Missouri, Eastern District
Leland E. Luffy, District of Nevada
Stephen J. Markman, Michigan, Eastern District
Joe D. Whitley, Georgia, Northern District
Wayne A. Budd, District of Massachusetts (Liaison)

The primary emphasis of the White Collar Crime Subcommittee in 1991 was to establish better communication and coordination with the activities of the Economic Crime Council, recognizing the obvious overlapping interest of the two groups and establishing a direct United States Attorney link to the policy making decisions of the Department and the Council. To accomplish this goal, two significant steps occurred. First was the establishment of a permanent ex officio position on the Economic Crime Council for the chairman of the subcommittee. Second was the appointment of a member of the subcommittee to the various working groups established by the Council.

These working groups are appointed to address specific fraud areas bringing together the expertise of the personnel of the U.S. Attorneys' Offices and the Department who have handled such matters in actual litigation. These groups report litigation problems associated with the prosecutions as well as providing insight and input into legislative and policy initiatives. Presently, working groups exist to address insurance and health care fraud issues, and the subcommittee has recommended the establishment of similar groups for telemarketing and bankruptcy fraud.

These actions have provided an excellent basis to expand the work of the subcommittee in a coordinated fashion with the priorities of the Department.



United States Attorneys' Conference in Savannah, Georgia, March, 1991. (left to right) Edgar W. Ennis, Jr., (United States Attorney, Middle District of Georgia); Hinton R. Pierce, (United States Attorney, Southern District of Georgia); Laurence S. McWhorter, (Director, Executive Office for United States Attorneys); Attorney General William P. Barr (then Deputy Attorney General); Joseph M. Whittle, Chairman, Attorney General's Advisory Committee, (United States Attorney for the Western District of Kentucky); and then Attorney General Dick Thornburgh

WORKING GROUPS

The Advisory Committee, in addition to its various subcommittees, has established certain working groups, comprised of United States Attorneys who work in concert with Department officials and agencies outside the Department of Justice to resolve specific problems or design policy for specific initiatives. The work of these groups, similar to that of the subcommittees, is submitted to the full Advisory Committee on a regular basis for approval and input.

COMPUTER OFFICE APPLICATIONS WORKING GROUP

Chairman
William Braniff
California, Southern District

Members: *Daniel A. Bent, District of Hawaii*
William C. Carpenter, District of Delaware
Robert J. Wortham, Texas, Eastern District

The Computer Office Applications Working Group was formed in mid-1991 for the purpose of focusing on computer applications, particularly in the area of litigation support, which will be beneficial to the unique work of United States Attorneys' offices nationwide.

The working group will act as a clearinghouse for applications already developed in the computer applications field and within the various offices and will evaluate, comment, and disseminate the information, if appropriate, through the Executive Office for United States Attorneys to all United States Attorneys' offices. It is the goal of the working group to generate an interest in computer solutions by Assistant United States Attorneys and thereby help foster computer literacy.

The working group met in June, 1991 and will continue to review pertinent developments in this field for potential use by all United States Attorneys to improve litigation effectiveness and efficiency.

JUSTICE/FEDERAL JUDICIARY CRIMINAL FINES WORKING GROUP

Representative
Michael Baylson
Pennsylvania, Eastern District

The Department of Justice/Federal Judiciary Criminal Fines Task Force has been in existence for two years. During its second year, the task force focused on the development of the National Fine Center and on improved cooperation between the United States Attorneys' offices and the United States probation offices.

National Fine Center

The development of the National Fine Center has proceeded steadily through the past year. Space for the fine center was obtained in the United States Court House in the Eastern District of North Carolina, a staff was hired, computer equipment was purchased, and most of the computer software has been completed. Representatives from the United States Attorneys' offices, the United States Probation Offices, and the Clerks of Court of the five fine center pilot districts met regularly throughout the past year to discuss various aspects of the operation of the fine center, such as record-keeping, interest calculation, notices to criminal fine debtors and reports. The representatives also met to create fine center procedures which would enhance criminal debt collections and be acceptable to both branches of government. On October 23, 1991, the task force witnessed a demonstration of the fine center system and an automated judgment and commitment order. The fine center is expected to be on-line in the Eastern District of North Carolina in November, 1991.

Cooperation Between the United States Attorneys' Offices and the Probation Offices

The task force supported cooperation between the United States Attorneys' offices and the United States Probation Offices. In every district, both offices worked together to draft a plan to improve criminal debt collections. These plans defined the roles of the United States Attorney's office, the United States Probation Office and the Clerk of Court in the area of criminal debt enforcement.

Joint AUSA/Probation Officer Training

The task force supported joint AUSA/probation officer training. During the past year, 71 districts held joint training conferences, and 3,152 Assistant United States Attorneys, United States Probation Officers, Clerks of Court and Victim/Witness Coordinators were trained in; a) the determination of the defendant's ability to pay; b) asset identification; and, c) criminal debt enforcement. Twenty-two other districts have scheduled sessions to take place this calendar year. During the past year, these sessions have expanded to include representatives from the local federal bench, the Bureau of Prisons, local victims assistance organizations and federal law enforcement agents. Representatives from the Federal Deposit Insurance Corporation (FDIC) have also attended.

LEGISLATIVE WORKING GROUP

Chairman

Louis DeFalaese
Kentucky, Western District
(through 10/31/91)

Members: Thomas W. Corbett, Jr.

Pennsylvania, Western District
E. Bart Daniel, District of South Carolina
Robert J. Wortham, Texas, Eastern District
J. William Roberts, Illinois, Central District (Liaison)

The Legislative Working Group, assisted by the Executive Office for United States Attorneys, works closely with all subcommittees of the Attorney General's Advisory Committee and with Department officials to propose legislation and to provide information to the Department and members of the United States Congress to assist them in the performance of their legislative duties.

President's Crime Bill

The primary area of legislative activity for this working group and United States Attorneys in general in 1991 was in support of the passage of the President's Crime Bill, the enactment of public corruption and election fraud legislation, changing the residency requirements for Assistant United States Attorneys and the development of a total legislative agenda.

The United States Attorneys, working closely with the Office of Legislative Affairs (OLA), actively sought passage of the President's Crime Bill and provided information to members of Congress on this subject. In addition, the LECCs became a focal point for the gathering and dissemination of information on the need for reform in the state as well as the federal system.

Limited 'McNally Fix'

At the request of the United States Attorneys, Congress passed a limited "McNally fix", returning the use of mail and wire fraud statutes in relation to prosecution of public officials to its former status prior to the Supreme Court's decision in McNally v. United States by permitting prosecution for a scheme to deprive citizens of their right to honest service by their public servants. Much broader legislation has been called for by the United States Attorneys and passed three times by the Senate. The United States Attorneys remain hopeful that the Crime Bill agreed on by both houses would retain their proposed language.

Residency Requirement

At the request of the working group, legislation will be introduced to relax the current residency requirement for Assistant United States Attorneys. As more and more urban areas sprawl across district and even state lines, and with the growth of both auto and rapid transit systems, the current residency requirements not only make little sense but also hinders the recruitment of many capable people. The proposal is to extend the right to reside outside the district from 20 miles (applicable to only 4 districts in the country) to 50 miles, applicable to all 94 districts.

Legislative Agenda

The working group, in cooperation with all United States Attorneys through the various Advisory Committee subcommittees, has developed a legislative agenda of over 28 items. In 1991, the working group met with the Office of Legislative Affairs, the Office of Policy Development and the Criminal and Civil Divisions to develop these as legislative proposals. The United States Attorneys have also worked with the Criminal and Civil Divisions on proposed changes to the Federal Rules of Procedure.

MEDIA RELATIONS WORKING GROUP

Chairmen

Stephen B. Higgins
Missouri, Eastern District

Members: *Michael Baylson, Pennsylvania, Eastern District*

Mike McKay, Washington, Western District

Fred Foreman, Illinois, Northern District

The Media Relations Working Group was formulated in mid-1991 to respond to a need for improved communication between the Department, the United States Attorneys and both local and national media organizations. Recognizing the critical role the press plays in public perception and in publicizing the Department's successes, the working group is focusing on ways to insure that the United States Attorneys be more open and accessible to the press, and that the key initiatives and successes of the Department will receive media attention.

Specific objectives include:

-- Recommendation of policies and procedures that will improve and enhance the skills of United States Attorneys and their staffs in dealing with the news media. As part of this effort, the working group reviewed draft media guidelines previously prepared by United States Attorneys, the Office of Public Affairs and Department component representatives, making recommendations which were then submitted to the full Advisory Committee for further review. The group also recommended to the Advisory Committee and EOUSA that a full-time staff position be created within EOUSA to represent the media-related interests of U.S. Attorneys. Future plans include development of training for United States Attorneys in the establishment and maintenance of an effective media program and perhaps to develop working guidelines for use by United States Attorneys and their public affairs officers.

-- Recommendation of policies, programs and procedures that will enable the Department to better publicize the successes of United States Attorneys' offices nationwide, given that United States Attorneys' offices account for more than 95% of all federal prosecutions throughout the country. In this regard, the working group is studying the most effective method of collecting and organizing press clippings from United States Attorneys' offices within EOUSA, as well as the appointment of the full-time EOUSA staff person described above.

-- Recommendation of policies, programs and procedures that would utilize United States Attorneys to publicize national Department of Justice initiatives and programs. Building on recent efforts by the Advisory Committee, the working group hopes to establish procedures for the dissemination to United States Attorneys in timely fashion materials on matters having priority within the Department of Justice.

-- Establishment of an open dialogue with national news media organizations. The working group plans to reach out to national media organizations to share concerns on issues relevant to media coverage of U.S. Attorney activities, in the hope of increasing understanding between the two.

SOUTHWEST REGIONAL TASK FORCE COORDINATION/ OPERATION ALLIANCE WORKING GROUP

Chairman

Ronald F. Ederer
Texas, Western District

Members:

Linda Akers, District of Arizona
William Braniff, Southern District of California
Ronald G. Woods, Texas, Southern District
Wayne A. Budd, District of Massachusetts (Liaison)

The Southwest Regional Task Force Coordination and the Operation Alliance Working Group function as one entity. It has been recommended by the working group chairman that the two be joined into one for future purposes.

Southwest Border Drug Initiatives

This group meets frequently, working closely with Operation Alliance, the multi-agency organization formed to coordinate drug interdiction efforts on the southwest border of the United States, as well as with the Southwest Border High Intensity Drug Trafficking Area (HIDTA), one of five such areas in the nation designated by the President to receive Federal assistance for drug enforcement. Together, these groups have worked toward the formulation of a Southwest Border Drug Control Strategy which complements the National Drug Control Strategy. The Southwest Border United States Attorneys have assisted in the overall effort of identifying a uniform purpose and helping coordinate the Border Drug Control Strategy.

Training Conferences

Through the cooperative efforts of the working group, the Southwest Border United States Attorneys, through their respective LECCs, put on a number of conferences during 1991, including a comprehensive training conference in December, 1991, constituting a concerted effort of all Southwest Border United States Attorneys and the Middle District of California, as well as all Southwest Border HIDTA participants.

SPECIAL ASSISTANT UNITED STATES ATTORNEYS WORKING GROUP

Chairman

Henry Hudson
Virginia, Eastern District
(October, 1990 - February, 1991)

The Study Group, chaired by Henry Hudson, former United States Attorney for the Eastern District of Virginia, was convened for the purpose of determining whether Special Assistant United States Attorneys have made a significant contribution in those jurisdictions where utilized, and of evaluating the current policies and practices governing their appointments. The report favored United States Attorneys utilizing Special Assistant United States Attorneys in order to maximize productivity and promote office efficiency.

OTHER WORKING GROUPS

Several other working groups of United States Attorneys work closely with other Department officials and representatives of other government agencies to protect and promote the interests of United States Attorneys and the Department of Justice as a whole. They include:

BANK FRAUD ENFORCEMENT WORKING GROUP, INTERAGENCY (BFWG)

Representative

*Richard Bennett
District of Maryland*

At the recommendation of the Economic Crime Council, the Bank Fraud Working Group, was established to coordinate the law enforcement effort in bank fraud enforcement and prevention. Committee members include representatives from the Civil and Criminal Divisions of the Department of Justice, the Attorney General's Advisory Committee, the Department of the Treasury, National Credit Union Administration, Farm Credit Administration, United States Secret Service, Securities and Exchange Commission, Office of Thrift Supervision, Resolution Trust Corporation, Federal Reserve Board, Federal Bureau of Investigation, and the Office of the Comptroller of the Currency. Richard Bennett, United States Attorney for the District of Maryland, represents the Advisory Committee.

CRIMINAL ISSUES WORKING GROUP

Chairman

*Robert H. Edmunds
North Carolina, Middle District*

Members: *Richard Bennett, District of Maryland*

*Stephen J. Markman, Michigan, Eastern District
William T. McGivern, California, Northern District*

This group of four United States Attorneys remains in on-call status to review issues that arise within the Department of Justice impacting directly on United States Attorneys' offices and to provide comment on behalf of United States Attorneys on proposed legislation, proposed amendments to the Code of Federal Regulations, and other matters implicating Department policy as it would relate to United States Attorneys. Their input to the Department has been invaluable, and has preserved in the policy development area the concerns of the United States Attorneys, whose offices pursue over 95% of all criminal prosecutions which are brought nationwide.

EXECUTIVE WORKING GROUP (FEDERAL, STATE AND LOCAL PROSECUTORS)

Representatives

*Gene W. Shepard, Iowa, Southern District
J. William Roberts, Illinois, Central District*

Two United States Attorneys, the Assistant Attorney General in charge of the Criminal Division, and other Department of Justice representatives meet regularly with representatives of the National District Attorneys Association (NDAA) and the National Association of Attorneys General (NAAG) to deal with practical and philosophical criminal justice questions of national import.

During the past year, the Executive Working Group members have been at the forefront of the fight to effect meaningful national legislative reform. The Working Group has served as a forum for resolving potential conflict among the components and as such is a vital safety valve for the prosecution community. Among the areas of mutual concern addressed in the past year were international drug trafficking, Asian organized crime, asset forfeiture, ethical issues, police brutality and telemarketing schemes.

EXECUTIVE REVIEW BOARD (OCDETF)

Representatives

*John W. Gill, Jr., Tennessee, Eastern District
Wayne A. Budd, District of Massachusetts
Michael J. Norton, District of Colorado
J. William Roberts, Illinois, Central District*

United States Attorneys are also represented on the Executive Review Board, the policy-making board for the Organized Crime Drug Enforcement Task Force operation led by U.S. Attorneys in their individual districts around the country and involving various other Department of Justice components and other law enforcement agencies. The Board is chaired by the Deputy Attorney General, and its membership includes the leadership of the FBI, DEA and non-Department of Justice federal investigative agencies as well as the Assistant Attorney General for the Criminal Division.

SECURITIES AND COMMODITIES FRAUD WORKING GROUP

Representatives

*Otto G. Obermaier, New York, Southern District
Fred L. Foreman, Illinois, Northern District*

The Securities and Commodities Fraud Working Group is engaged in ongoing discussion about the most effective and appropriate manner of prosecuting cases in that area. The working group has submitted to the Acting Deputy Attorney General its assessment and evaluation regarding the prosecution of securities and commodities fraud cases, recommending use of the racketeering statute in only the most appropriate cases and the simplification of prosecutions in order to assist juries in understanding the merits of the prosecution's case in these potentially very complex matters. The working group has maintained appropriate liaison with the Economic Crime Council in this area.

TRIGGERLOCK WORKING GROUP

Chairman

Lourdes G. Baird
California, Central District

Members:

Wayne A. Budd, *District of Massachusetts*
Thomas W. Corbett, Jr.,
Pennsylvania, Western District
Jeffrey R. Howard, *District of New Hampshire*
Stephen J. Markman, *Michigan, Eastern District*
J. William Roberts, *Illinois, Central District*
Jay B. Stephens, *District of Columbia*

Seven United States Attorneys worked closely with Criminal Division officials with the purpose of strengthening and improving the Department's Operation Triggerlock effort -- a program first announced by Attorney General Thornburgh in March, 1991 and geared toward targeting the most dangerous armed felons in each community for removal from the streets through prosecution. The working group is assisting in coordinating the Department's efforts in Project Triggerlock through close cooperation with the new Terrorism and Violent Crime Section of the Criminal Division.

WEED AND SEED WORKING GROUP

Chairman

Michael M. Baylson
Pennsylvania, Eastern District

Members:

Jean Paul Bradshaw, II, *Missouri, Western District*
Edward G. Bryant, *Tennessee, Western District*
Michael Chertoff, *District of New Jersey*
Thomas W. Corbett, *Pennsylvania, Western District*
Fred L. Foreman, *Illinois, Northern District*
John F. Hoehner, *Indiana, Northern District*
Wayne A. Budd, *District of Massachusetts (Liaison)*

Eight United States Attorneys, led by Michael Baylson, United States Attorney for the Eastern District of Pennsylvania, were recently appointed to form a working group to further the Attorney General's Weed and Seed program, also announced in 1991.

The Weed and Seed program, an effort to remove the criminal element ("weeds") from a targeted segment of a particular community and then "seed" the community with social service programs, constitutes a cooperative venture between law enforcement and social service agencies of government in cooperation with local government and members of the community. Pilot programs are in operation in three communities, and plans are underway for other programs in various parts of the country.

The Weed and Seed Working Group will obtain and share with United States Attorneys across the country information about available resources and how to make such a program work to the benefit of a community, understanding that each community necessarily must forge its own program in a manner consistent with its needs and the resources available to it.

MEMBERS OF THE ADVISORY COMMITTEE

1973 - 1991

Alabama, Middle District

Ira DeMent..... 1975-77

Alabama, Northern District

J. R. Brooks..... 1980-81

Frank W. Donaldson..... 1984-88

Alabama, Southern District

J. B. Sessions, III..... 1987-89

Alaska

Arizona

William C. Smitherman..... 1973-77

Stephen M. McNamee..... 1987-89

(Vice Chairman-1988-89)

A. Melvin McDonald..... 1981-83

Linda Akers..... 1990-93

Arkansas, Eastern District

George W. Proctor..... 1981-82

(Chairman-1982)

(Vice Chairman-1981)

Arkansas, Western District

California, Northern District

James L. Browning, Jr..... 1973-76

G. William Hunter..... 1980-81

Joseph P. Russoniello..... 1989-90

California, Central District

Andrea Ordin..... 1978-81

(Chairman-1980)

(Vice Chairman-1979)

Stephen S. Trott..... 1983

Robert C. Bonner..... 1987-89

Lourdes G. Baird..... 1990-93

California, Southern District

Peter K. Nunez..... 1983-85

(Vice Chairman-1985)

California, Eastern District

Donald B. Ayer..... 1985-86

David F. Levi..... 1988-90

Colorado

Joseph F. Dolan..... 1978-81

Connecticut

Richard Blumenthal..... 1980-81

Alan H. Nevas..... 1984

Delaware

Ralph F. Keil..... 1973-75

James W. Garvin, Jr..... 1981

William C. Carpenter..... 1987-90

District of Columbia

Earl J. Silbert..... 1975-79

Ex Officio:

Charles F.C. Ruff..... 1980-82

Stanley S. Harris..... 1982-83

Joseph E. diGenova..... 1983-87

Jay B. Stephens..... 1988 -

Florida, Northern District

K. Michael Moore..... 1988-89

Florida, Southern District

Florida, Middle District

Georgia, Southern District

R. Jackson B. Smith..... 1973-75

William T. Moore..... 1978-81

Georgia, Middle District

Joe D. Whitley..... 1983-85

Georgia, Northern District

Guam

Hawaii

Dan Bent..... 1985-88
(Vice Chairman-1988)

Idaho**Illinois, Northern District**

James R. Thompson, Jr..... 1973-75
Samuel K. Skinner..... 1976-77
Thomas P. Sullivan..... 1980-81
Anton R. Valukas..... 1987-90
Dan K. Webb..... 1981-84

Illinois, Central District

J. William Roberts..... 1989-92
(Chairman-elect-1991)
(Chairman-1992)

Illinois, Southern District

Frederick J. Hess..... 1984-87

Indiana, Northern District

James G. Richmond..... 1987-90
(Chairman-1989-90)

Indiana, Southern District

Virginia D. McCarty..... 1977-81
Sarah Evans Barker..... 1981-84
John D. Tinder..... 1985-87
(Vice Chairman-1986-87)
Deborah J. Daniels..... 1988-91
(Vice Chairman-1990-91)

Iowa, Southern District

Roxanne B. Conlin..... 1978-81

Iowa, Northern District

Evan L. Hultman..... 1975
Charles W. Larson..... 1987-90

Kansas

Robert J. Roth..... 1973-75

Kentucky, Western District

Joseph M. Whittle..... 1988-91
(Chairman-elect-1990)
(Chairman-1991)

Kentucky, Western District**Louisiana, Eastern District**

John Volz..... 1986-87
1987-90

Louisiana, Western District**Louisiana, Middle District****Maine**

Richard S. Cohen..... 1981-84

Maryland

Russell T. Baker, Jr..... 1980-81

Massachusetts

Edward F. Harrington.... 1977-80
William F. Weld..... 1984-86
(Chairman-1986)
Wayne A. Budd..... 1989-92
(Vice Chairman-1991)

Michigan, Eastern District

Ralph B. Guy, Jr..... 1973-76
(Chairman-1975-76)
(Vice Chairman-1974)

Michigan, Western District

John A. Smietanka..... 1982-83
(Vice Chairman-1983)

Minnesota

Robert G. Renner..... 1975-77
James Rosenbaum..... 1984-85

Mississippi, Southern District

George L. Phillips..... 1981-82
1988-91

Mississippi, Northern District

H.M. Ray..... 1973-77
(Chairman-1976-77)

Missouri, Western District

Bert C. Hum..... 1973-77
Robert G. Ulrich..... 1985-86
(Chairman-1986-89) 1986-89

Missouri, Eastern District

Thomas E. Dittmeier..... 1982-83

Montana**Nebraska****Nevada****New Hampshire**

Jeffrey R. Howard..... 1990-92

New Jersey

Robert N. Del Tufo..... 1978-80

New Mexico

Victor R. Ortega..... 1973-78

(Chairman-1977-78)

R.E. Thompson..... 1980-81

(Chairman-1981)

(Vice Chairman-1981)

New York, Western District

Salvatore R. Martoche..... 1983-85

(Chairman-1985)

(Vice Chairman-1984)

New York, Eastern District

Robert A. Morse..... 1973

Andrew J. Maloney..... 1987-89

New York, Southern District

Paul J. Curran..... 1975

Robert B. Fiske, Jr..... 1976-80

(Chairman-1978-79)

Otto Obermaier..... 1990-93

New York, Northern District**North Carolina, Middle District**

William L. Osteen..... 1973

Henry M. Michaux..... 1977-81

Kenneth S. McAllister..... 1984-86

(Vice Chairman-1986)

North Carolina, Eastern District

Thomas P. McNamara... 1975-76

Samuel T. Currin..... 1982

North Carolina, Western District**North Dakota**

Rodney S. Webb..... 1985-86

(Vice Chairman-1986)

Ohio, Northern District

Frederick M. Coleman... 1976-77

Ohio, Southern District

James C. Cissell..... 1981-82

Oklahoma, Northern District

Francis A. Keating, II.... 1981-83

(Chairman-1983)

(Vice Chairman-1982)

Oklahoma, Western District

Timothy D. Leonard..... 1990-93

Oklahoma, Eastern District**Oregon**

Sidney Lezak..... 1977-80

Pennsylvania, Eastern District

Robert E.J. Curran..... 1975-76

Pennsylvania, Western District

Richard L. Thornburgh.. 1973-75

J. Alan Johnson..... 1982-84

(Chairman-1984)

Thomas W. Corbett..... 1990-93

Pennsylvania, Middle District

David Dart Queen..... 1984-85

Puerto Rico

Rhode Island

Almond, Lincoln C..... 1973-75
1976-78

South Carolina

Thomas E. Lydon..... 1977-80
Henry D. McMaster..... 1981-82
E. Bart Daniel..... 1989-92

Tennessee, Middle District

Charles H. Anderson..... 1973-77
Joe B. Brown..... 1985-87
(Vice Chairman-1985-87)

Tennessee, Western District

W.J. Michael Cody..... 1978-80

Tennessee, Eastern District

John H. Cary..... 1980-81
John W. Gill, Jr..... 1983-85
(Vice Chairman-1985)

Texas, Western District

John E. Clark..... 1976-77
Edward C. Prado..... 1981-83
Helen M. Eversberg..... 1985-86

Texas, Northern District

Kenneth J. Mighell..... 1978-81
Marvin Collins..... 1989-92

Texas, Southern District**Texas, Eastern District****Utah**

Ronald L. Rencher..... 1981
Brent D. Ward..... 1984-87
(Vice Chairman-1986)

Vermont

William B. Gray..... 1977-81
(Chairman-1979)
(Vice Chairman-1978-79)
George J. Terwilliger..... 1988-91
(Vice Chairman-1989-90)

Virgin Islands

James W. Diehm..... 1984-87

Virginia, Eastern District

Elsie L. Munsell..... 1982-83
Henry E. Hudson..... 1987-90

Virginia, Western District**Washington, Eastern District**

Dean C. Smith..... 1973-77
(Chairman-1973-74)
John Lamp..... 1984-86

Washington, Western District

Stan Pitkin..... 1975-76
Mike McKay..... 1990-93

West Virginia, Southern District

Robert B. King..... 1980-81
(Vice Chairman-1981)

West Virginia, Northern District**Wisconsin****Wyoming**

Richard A. Stacy..... 1981-84

END

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